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Navy Aircraft Carriers: Proposed Retirement of USS John F. Kennedy — Issues and Options for Congress

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Ronald O'Rourke
Specialist in National Defense
Foreign Affairs, Defense, and Trade Division

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Summary

The Navy's FY2007 budget proposes retiring the conventionally powered aircraft carrier John F. Kennedy (CV-67) and reducing the size of the carrier force from 12 ships to 11. The Navy's proposed FY2006 budget included a similar proposal. Congress, in acting on the FY2006 defense budget, passed a provision requiring the Navy to maintain a 12-ship carrier force. The issue for Congress for FY2007, as it was for FY2006, is whether to approve, reject, or modify the proposal to retire the Kennedy and reduce the carrier force to 11 ships.

Until mid-2005, the Kennedy was homeported in Mayport, FL. Prior to the proposal to retire the Kennedy, the Navy's plan was to maintain a 12-carrier force and keep the Kennedy in operation until 2018. The Navy is now proposing to maintain in coming years a 313-ship fleet that includes 11 carriers.

DOD estimated in December 2004 that retiring the Kennedy in FY2006 would reduce DOD funding requirements for FY2006-FY2011 by a net total of about \$1.2 billion. In February 2006, the Navy estimated that overhauling the Kennedy and keeping it in service during the five-year period FY2007-FY2011 would cost more than \$2 billion.

One potential issue is whether the carrier force should include 12 ships or some other number. If a carrier is to be retired in the near term so as to reduce the carrier force to 11 ships, a second potential issue is whether that carrier should be the Kennedy or another ship. Potential alternatives to the Kennedy include the conventionally powered Kitty Hawk and the nuclear-powered carriers Enterprise and Vinson. A third potential issue for Congress concerns the relative military advantages of different homeporting arrangements for the carrier force.

Options for Congress for preserving at least 12 carriers include permanent legislation (which has been enacted — see below), annual legislation, binding report language, and bill or report language expressing the sense of the Congress. Options for retiring a carrier and reducing the force to 11 ships include retiring the Kennedy in FY2006, retiring the Kennedy when Mayport, FL is qualified as a nuclear-carrier home port, retiring the Kitty Hawk and transferring the Kennedy to Japan, retiring the Kitty Hawk and transferring a nuclear-powered carrier to Japan, retiring the Enterprise, and retiring the Vinson.

Section 126 of the conference report (H.Rept. 109-360 of December 18, 2005) on the FY2006 defense authorization bill (**H.R. 1815/P.L. 109-163** of January 6, 2006) amended 10 USC 5062 to state that "The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers."

S. 2310, introduced on February 16, 2006, would reverse the above legislation by repealing the requirement in 10 USC 5062 for a Navy with not less than 12 operational aircraft carriers. This report will be updated as events warrant.

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Navy Aircraft Carriers: Proposed Retirement of USS John F. Kennedy — Issues and Options for Congress

Introduction and Issue For Congress

The Navy's FY2007 budget proposes retiring the conventionally powered aircraft carrier John F. Kennedy (CV-67) and reducing the size of the carrier force from 12 ships to 11. The Navy's proposed FY2006 budget included a similar proposal. Congress, in acting on the FY2006 defense budget, passed a provision requiring the Navy to maintain a 12-ship carrier force.

Until mid-2005, the Kennedy was homeported in Mayport, FL. The proposal to retire the Kennedy would not retire any other ships or any of the Navy's carrier air wings. Prior to the proposal to retire the Kennedy, the Navy's plan was to maintain a 12-carrier force and keep the Kennedy in operation until 2018. The Navy is now proposing to maintain in coming years a 313-ship fleet that includes 11 carriers.¹

The issue for Congress for FY2007, as it was for FY2006, is whether to approve, reject, or modify the proposal to retire the Kennedy and reduce the carrier force to 11 ships. Congress's decision on this issue could affect U.S. military capabilities, Department of Defense (DOD) funding requirements, the Mayport home port, and the shipbuilding overhaul and repair industrial base.

Background

Proposal to Retire Kennedy and Reduce to 11 Carriers

The proposal to retire the Kennedy and reduce the carrier force to 11 ships first came to light in January 2005, in an internal FY2006 DOD budget-planning document called *Program Budget Decision (PBD) 753*, which was approved on December 23, 2004, by Deputy Secretary of Defense Paul Wolfowitz. *PBD 753* set forth a number of significant adjustments to the FY2006 budget and FY2006-

¹ For further discussion of the proposed 313-ship fleet, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke.

FY2011 Future Years Defense Plan (FYDP), including the proposal to retire the Kennedy.²

PBD 753 estimated that retiring the Kennedy in FY2006 would reduce DOD funding requirements for FY2006-FY2011 by a net total of about \$1.2 billion. **Table 1** shows the year-by-year funding changes for FY2006-FY2011 of retiring the Kennedy in FY2006, as estimated in *PBD 753*. As shown in the table, retiring the Kennedy would result in an estimated steady-state savings of roughly \$300 million per year starting in FY2008, including roughly \$200 million per year for crew pay and allowances, and roughly \$100 million per year in ship operation and maintenance (O&M) costs. The \$179 million additional cost in FY2006 is a financial payment to the Norfolk Naval Shipyard to compensate that yard for the loss of the Kennedy overhaul. The payment is intended to avoid furloughs at the yard and prevent a steep increase in the man-day rates (i.e., daily laborer costs) that the yard charges for overhaul and repair work to be done there on other Navy ships.

Table 1. Estimated Funding Changes from Carrier Retirement
(FY2006-FY2011, in millions of then-year dollars)

	FY06	FY07	FY08	FY09	FY10	FY11	FY06-FY11 Total
Personnel pay & allowances		-90.0	-184.0	-189.0	-197.0	-203.0	-863.0
Ship operations	-33.8	-26.8	-49.9	-46.4	- 47.3	-40.2	-244.4
Ship maintenance	-10.9	-40.5	-54.4	-41.0	- 60.0	-63.3	-270.1
Workload loss	179.0						179.0
TOTAL	134.3	-157.3	-288.3	-276.4	-304.3	-306.5	-1,198.5

Source: U.S. Department of Defense. *Program Budget Decision, PBD 753*. Washington, 2004. (Dec. 23, 2004) pp. 8, 11, 12.

In February 2006, the Navy estimated that overhauling the Kennedy and keeping it in service during the five-year period FY2007-FY2011 would cost more than \$2 billion.³

The Kennedy was originally scheduled for a \$350-million overhaul that was to begin at its home port of Mayport, FL, on May 2, 2005, shift to the government-operated Norfolk Naval Shipyard at Norfolk, VA, on June 17, 2005, and be finished

² Although *PBD 753* was an internal DOD planning document, press reports on the document began to appear by the end of December, and the text of the document was posted in early January 2005 on a publicly accessible defense trade press website [<http://www.defensenews.com/content/static/dn.pbd753.pdf>].

³ Michael Bruno, "CNO: Keeping JFK Would Eat \$2-\$3B From Shipbuilding," *Aerospace Daily and Defense Report*, February 13, 2006. See also Dale Eisman, "Warner Backs Navy Effort To Mothball JFK," *Norfolk Virginian-Pilot*, February 18, 2006.

there on August 18, 2006.⁴ In light of the proposal to retire the Kennedy, the Navy said it wanted to use the \$350 million to finance other Navy needs.⁵ On April 1, 2005, the Navy announced that it had canceled the overhaul.⁶

Navy officials said in early 2005 that following its retirement, the Kennedy would be placed in preservation status (i.e., it would be “mothballed”) to preserve the option of reactivating it at some point. The ship might be reactivated, they said, if a conventionally powered carrier were needed to succeed the conventionally powered Kitty Hawk (CV-63) as the carrier that is forward-homeported in Japan (see section below on carrier home ports).⁷ On October 27, 2005, however, the Navy announced that it intends to use one of its Nimitz (CVN-68) class nuclear-powered carriers to replace the Kitty Hawk as the Japan-homeported carrier when the Kitty Hawk retires in 2008.⁸ A Navy spokesman said the decision to replace the Kitty Hawk with a nuclear-powered carrier was a mutual agreement between the United States and Japan.⁹ In November 2005, it was reported that the Navy had selected the George Washington (CVN-73) as the carrier to replace the Kitty Hawk in Japan in 2008.¹⁰

⁴ The total cost of the overhaul was estimated at about \$350 million. Congress provided funds for the total cost of the overhaul in the FY2005 defense budget. Of the approximate \$350-million total cost, the work at Mayport was estimated at roughly \$20.5 million, another \$254 million was budgeted for the Norfolk Naval Shipyard, and another \$75 million or so was budgeted for work to be done, or materials to be provided by, various public- and private-sector organizations in the Norfolk area and other locations. As of early January 2005, a total of about \$24 million had been spent for advance planning for the overhaul. (Source: Telephone conversations with Navy Office of Legislative Affairs and OPNAV N431 — a branch of the Navy’s Fleet Readiness and Logistics [N4] office — on Jan. 7, 2005.)

⁵ See, for example, Geoff Fein, “Navy to Redirect Funds for Kennedy Overhaul to Maintain Other Ships,” *Defense Daily*, March 17, 2005; Dale Eisman, “Carrier Speeding to Retirement,” *Norfolk Virginian-Pilot*, March 11, 2005. Competitive bids for work involved in the overhaul were originally scheduled to be submitted by January 19, but the Navy in January postponed that deadline to March. (Allison Connolly, “Navy Delays Overhaul Bids on JFK,” *Norfolk Virginian-Pilot*, Jan. 7, 2005.)

⁶ William H. McMichael, “Kennedy Overhaul Work Stops,” *NavyTimes.com*, April 1, 2005.

⁷ See, for example, Geoff Fein, “Navy to Redirect Funds for Kennedy Overhaul to Maintain Other Ships,” *Defense Daily*, March 17, 2005; Dale Eisman, “Navy Plans to Mothball Carrier JFK, Not Scrap It,” *Norfolk Virginian-Pilot*, February 18, 2005. Another recent article stated: “Pulling the Kennedy out of mothballs and sending it to Japan would also require \$500 million, [Senator] Nelson said. (Gregory Piatt, “Nelson Plans Bid to Kill Funding for Mothballing Carrier Kennedy,” *Florida Times-Union (Jacksonville)*, April 5, 2005.)

⁸ DOD news release, “U.S. Navy Announces CVN to Replace USS Kitty Hawk in 2008,” October 27, 2008. See also “U.S. Nuclear Carrier To Be Based In Japan,” *New York Times*, October 28, 2005.

⁹ “U.S. Nuclear Carrier To Be Based In Japan,” *New York Times*, October 28, 2005.

¹⁰ Dale Eisman, “Navy Plans To Move Carrier George Washington To Japan,” *Norfolk Virginian-Pilot*, November 18, 2005.

The Navy publicly confirmed this on December 2, 2005.¹¹ The Washington is currently homeported in Norfolk, VA.

In February 2006, the Navy announced that it had restricted the Kennedy from conducting flight operations with fixed-wing aircraft due to newly discovered corrosion problems with the ship's arresting gear mounts. The Navy also stated that two of the ship's four aircraft catapults are operating under waivers that are scheduled to expire in June, and that four of its eight boilers are operating under waivers that are scheduled to expire in September and cannot be renewed.¹²

Size of Carrier Force in Past Years

The Navy's force of large-deck aircraft carriers has generally fluctuated between 12 and 15 carriers since FY1951. It reached a late-Cold War peak of 15 ships in FY1987-1991, and began declining after that, along with the size of the Navy as a whole. The carrier force declined to 12 ships in FY1994, and has remained there since, even while the total number of ships in the Navy has continued to decline.¹³

From FY1995 through FY2000, the Kennedy was operated as an "operational/reserve training carrier" with a partially reserve crew. During this period, the Navy's force of 12 carriers was often characterized as an "11+1" force. The Kennedy reverted to being a fully active carrier in FY2001.

Current Carrier Force

Table 2 summarizes the Navy's carrier force. As shown in the table, the force currently includes 2 conventionally powered carriers — the Kitty Hawk (CV-63) and the Kennedy (CV-67) — and 10 nuclear-powered carriers — the one-of-a-kind Enterprise (CVN-65) and 9 Nimitz-class ships (CVN-68 through CVN-76).

¹¹ DOD news release, "USS George Washington to Replace USS Kitty Hawk as U.S. Navy's Forward Deployed Carrier," December 2, 2005. See also Dale Eisman, "Carrier Washington To Be Shipped Off to Japan In '08," *Norfolk Virginiana-Pilot*, December 3, 2005.

¹² Andrew Scutro, "JFK, Beset With Corrosion Problems, To Restrict Fixed-Wing Flight Operations," *NavyTimes.com*, February 17, 2006; Dale Eisman, "Warner Backs Navy Effort To Mothball JFK," *Norfolk Virginian-Pilot*, February 18, 2006; and Geoff Fein, "Arresting Gear Corrosion Leads Navy To Halt Fixed-Wing Landings On Kennedy," *Defense Daily*, February 21, 2006.

¹³ The carrier force reached 16 carriers in FY1962 and FY1965. The carrier force numbered 13 ships from FY1976 through FY1981, 14 ships from FY1982 through FY1986, 15 ships from FY1987 through FY1991, 14 ships in FY1992, 13 ships in FY1993, and 12 ships since FY1994. These figures are for the end of each fiscal year. The total size of the Navy reached a late-Cold War peak of 568 battle force ships in FY1987 and began declining thereafter. In 1994, when the current total of 12 carriers was reached, the total number of battle force ships had declined to 391 ships. The Navy has since declined to 281 battle force ships as of February 13, 2006.

Table 2. Current and Projected Navy Aircraft Carriers
(projected carriers in italics)

Hull Number	Name	Procured	In Service	Notes
CV-63	Kitty Hawk	FY56	4/1961	Home port Yokosuka, Japan. SLEP completed 1991. To be retired in 2008. CVN-73 to become the new Japan-homeported carrier. CVN-77 is to take CV-63's place as one of 11 carriers.
CVN-65	Enterprise	FY58	11/1961	Home port Norfolk, VA. RCOH completed 1994. To be replaced by CVN-21 in 2014.
CV-67	John F. Kennedy	FY63	1968	Until recently, home port was Mayport, FL. COH completed 1995. Was to be replaced in the force structure by CVN-22 in 2018.
CVN-68	Nimitz	FY67	1975	RCOH completed 2001.
CVN-69	Dwight D. Eisenhower	FY70	1977	RCOH completed 2004.
CVN-70	Carl Vinson	FY74	1982	Home port Bremerton, WA. RCOH scheduled 2005-2008.
CVN-71	Theodore Roosevelt	FY80	1986	
CVN-72	Abraham Lincoln	FY83	1989	
CVN-73	George Washington	FY83	1992	Homeport Norfolk, VA. To succeed Kitty Hawk as the Japan-homeported carrier in 2008.
CVN-74	John C. Stennis	FY88	1995	
CVN-75	Harry S. Truman	FY88	1998	
CVN-76	Ronald Reagan	FY95	2003	
CVN-77	George H. W. Bush	FY01	2008	<i>Is to take CV-63's place as one of 11 carriers in 2008.</i>
CVN-21	<i>TBD</i>	<i>FY08</i>	<i>2015</i>	<i>Is to replace CVN-65 in 2015.</i>
CVN-22	<i>TBD</i>	<i>FY12 or later</i>	<i>2019 or later</i>	<i>Previous plan was to procure ship in FY2011 and have it replace CV-67 in 2018.</i>

Notes: CV = conventionally powered carrier; CVN = nuclear-powered carrier; SLEP = service life extension program; RCOH = refueling complex overhaul; COH = complex overhaul. CVN-21 and CVN-22 also known as CVN-78 and CVN-79, respectively. Home port locations as of December 2004.

The **Kitty Hawk**, Navy's oldest carrier, entered service in April 1961. In 1991, the ship completed an extensive service life extension program (SLEP) overhaul that was intended to extend its service life from about 30 years to about 45 years. The ship is scheduled to be retired in 2008, at age 47. The carrier force is to be maintained at 11 ships by the commissioning in 2008 of the George H. W. Bush

(CVN-77), which was procured in FY2001. CVN-73 is to be transferred to Japan in 2008 to succeed the Kitty Hawk as the Japan-homeported carrier.

The **Enterprise**, the Navy's next-oldest carrier, entered service in November 1961, seven months after the Kitty Hawk. In 1994, the ship completed a nuclear refueling complex overhaul (RCOH) that was intended to extend its service life by about 20 years, to 2014. The ship is scheduled to be replaced in 2015 by CVN-21 (also called CVN-78), a new carrier that the Navy plans to procure in FY2008.¹⁴ Unlike the Navy's newer Nimitz-class carriers, each of which is powered by two nuclear reactors, the Enterprise is powered by eight nuclear reactors, making the Enterprise's reactor plant more complex and expensive to maintain, at least in the view of some observers, than the reactor plants of the Nimitz-class ships.

The **Kennedy**, the Navy's third-oldest carrier, entered service in 1968. Unlike the Kitty Hawk, which was given an extensive SLEP overhaul, the Kennedy was given a less extensive (but still fairly substantial) complex overhaul (COH) that was completed in 1995.¹⁵ Prior to the proposal to retire the Kennedy in FY2006, the Kennedy was scheduled to be replaced in FY2018, at age 50, by CVN-22 (also called CVN-79), an aircraft carrier that the Navy may procure in FY2012.¹⁶ Since the Kennedy did not receive a SLEP overhaul at about age 30, some observers have questioned whether the ship could be kept in service to age 50.

The **Nimitz** (CVN-68), the first of the Navy's Nimitz-class carriers, entered service in 1975 and completed an RCOH in 2001. The **Dwight D. Eisenhower** (CVN-69), which entered service in 1977, completed an RCOH in 2004. These RCOHs, like the Enterprise RCOH, are intended to permit each ship to remain in service for an additional 20 years.

The **Carl Vinson** (CVN-70), the third Nimitz-class carrier, entered service in 1982. The ship is scheduled for an RCOH that is to begin in November 2005 and finish in November 2008. The total estimated cost of this RCOH is \$3,134.3 million, of which \$861.5 million in advance procurement funding has been provided from FY2001 through FY2005. The Navy requested another \$1,493.6 for FY2006, and planned to request the final \$779.2 million in FY2007. Nimitz-class RCOHs are performed by Northrop Grumman's Newport News (NGNN) shipyard, located at Newport News, VA.

¹⁴ For more on CVN-21, see CRS Report RS20643, *Navy CVN-21 Aircraft Carrier Program: Background and Issues for Congress*, by Ronald O'Rourke.

¹⁵ The SLEP overhaul for the Kitty Hawk lasted about 3½ years, from January 28, 1988, to August 31, 1991. The complex overhaul for the Kennedy lasted two years, from September 13, 1993, to September 15, 1995, and was budgeted at about \$491 million. (Source: Polmar, Norman. *The Naval Institute Guide to the Ships and Aircraft of the U.S. Fleet*. Annapolis (MD), Naval Institute Press, 1997 (17th edition). p. 118.

¹⁶ For more on CVN-22, see CRS Report RS20643, *op cit*.

Potential Future Size of Carrier Force

As mentioned earlier, the Navy is proposing to maintain in coming years a 313-ship fleet that includes 11 aircraft carriers. The final report on the 2005 Quadrennial Defense Review (QDR), submitted to Congress in February 2006, endorses a Navy that includes 11 carriers.¹⁷ Admiral Michael Mullen, the CNO, has said he supports the decision to retire the Kennedy and reduce the carrier force to 11 ships, and that he would also support qualifying Mayport, FL, as a home port for a nuclear-powered carrier.¹⁸

Roles and Missions of Carriers

Many observers consider the Navy's carriers to be its primary capital ships — its most important ships, both operationally and symbolically.¹⁹ Past shorthand descriptions of the Navy were often based on the number of carriers in the fleet. The 600-ship Navy planned by Reagan administration in the 1980s, for example, was often referred to as a 15-carrier Navy. Observers have noted over the years that when a crisis occurs overseas, one of the first questions asked by U.S. leaders has often been, "Where are the carriers?"

Carrier-based aircraft are capable of performing various missions. Since the end of the Cold War, Navy carriers and their air wings have spent much of their time enforcing no-fly zones over Iraq and conducting land-attack operations in the Balkans, Afghanistan, and Iraq. Carriers and their air wings are considered particularly useful in situations where U.S. access to overseas air bases is absent or restricted — a circumstance that some observers believe has become more likely since the end of the Cold War. Carriers can also be used for other purposes. In 1994, a carrier was used to transport a helicopter-borne Army unit to the vicinity of Haiti, and in 2001-2002, a carrier was used to embark helicopter-borne special operations forces that were used in Afghanistan. Carriers have also been used in disaster-relief operations, such as the one for assisting countries affected by the December 2004 tsunami in the Indian Ocean. Given their ability to embark different combinations of aircraft, carriers are considered to be highly flexible naval platforms.

Carrier Home Ports

As of September 30, 2005, the Navy's 5 Pacific Fleet carriers were homeported at San Diego, CA (2 ships), Bremerton, WA (1 ship), Everett, WA (1 ship), and Yokosuka, Japan (1 ship), while the Navy's 7 Atlantic Fleet carriers were

¹⁷ U.S. Department of Defense, *Quadrennial Defense Review Report*. Washington, 2006. (February 6, 2006) p. 48.

¹⁸ Dale Eisman, "Navy Leader Shows Desire To Retire The Kennedy," *Norfolk Virginian-Pilot*, October 14, 2005; Mark D. Faram, "CNO: JFK Should Be Mothballed," *NavyTimes.com*, August 19, 2005.

¹⁹ The Navy's ballistic missile submarines (SSBN) are also often considered the Navy's primary capital ships. SSBNs are dedicated to the specialized mission of strategic nuclear deterrence.

homeported at Norfolk, VA (6 ships, including the Kennedy) and Newport News, VA (1 ship). Until mid-2005, the Kennedy was homeported at Mayport, FL.

The Kennedy, whose crew numbers about 2,900, contributes, by one estimate, about \$250 million each year to the local Mayport economy.²⁰

As of September 30, 2005, Mayport was the home port for 18 Navy ships — four cruisers, three destroyers, and 11 frigates. Mayport currently is not qualified to serve as the home port for a nuclear-powered carrier, but some studies on what it would take to qualify Mayport as a nuclear-carrier home port have been undertaken in recent years. Mayport is near the naval air station at Jacksonville, FL, where some of the Navy's aircraft are based, and to the naval aviation depot at Jacksonville, which repairs some of the Navy's planes.

The Navy has forward-homeported a carrier at Yokosuka (pronounced yo-KOS-ka) since the early 1970s. The forward homeporting of a carrier in Japan reduces considerably the total number of carriers needed in the force to maintain day-to-day deployments of carriers in the Western Pacific and Indian Ocean. The Kitty Hawk is the third Navy carrier to be homeported there. All three have been conventionally powered. (The other two have since been retired.) In light of anti-nuclear sentiments in Japan that date back to the U.S. use of two nuclear weapons against Japan in World War II, some observers have believed that a Navy proposal to homeport one of its nuclear-powered carriers there could meet with public opposition.²¹ Other observers, however, believe that Japanese views on the issue have begun to change in a way that would reduce public opposition.²² The Navy's announcement that a nuclear-powered carrier would succeed the Kitty Hawk as the next Japan-homeported carrier has generated some concern and opposition in Japan.²³

²⁰ Source for crew size and \$250-million figure: January 19, 2005, email from Navy Office of Legislative Affairs. Recent press articles have stated that a nuclear-powered carrier supports 5,000 jobs and provides \$188 million per year to the economy of the Hampton Roads area surrounding the Norfolk naval base. (Dale Eisman, "Navy Leaders Back Plans to Retire the Kennedy," *Norfolk Virginian-Pilot*, April 20, 2005; and Dale Eisman, "Legislation Could Stall Mothballing of Kennedy," *Norfolk Virginia-Pilot*, April 19, 2005.)

The figure of 2,900 personnel for the Kennedy is for the crew that operates the ship. An additional 2,500 or so personnel operates the ship's embarked air wing, but most or all of those personnel are based in locations elsewhere in the United States.

²¹ For a discussion of this issue, see Christopher P. Cavas, "Next U.S. Carrier in Japan May Be Nuclear," *DefenseNews.com*, February 21, 2005.

²² Christopher P. Cavas, "Nuclear Carrier May Berth In Japan," *Navy Times*, April 25, 2005: 12.

²³ Hiroko Tabuchi, "Japanese Mayor Protests Deployment Of Nuclear Aircraft Carrier," *NavyTimes.com*, November 10, 2005; "Kelly Reassures Japan On Nuclear Carriers' Safety," *NavyTimes.com*, November 4, 2005; "Yokosuka Assembly Votes Against Nuclear Carrier Deployment," *NavyTimes.com*, November 2, 2005; Hiroko Tabuchi, "Realignment Plan Sparks Protests Across Japan," *NavyTimes.com*, October 31, 2005; Chisaki Watanabe, "Japan Agrees To Homeport Nuclear Carrier," October 28, 2005; Harumi Ozawa, "Japan (continued...)"

The Navy is reportedly considering transferring one of its carriers from the continental United States to Hawaii or Guam. This would further reduce the total number of carriers needed in the force to maintain day-to-day deployments of carriers in the Western Pacific and Indian Ocean, and place a second carrier (along with the Japan-homeported carrier) relatively close to potential crisis or conflict zones in the Western Pacific.²⁴

Issues for Congress

DOD's proposal to retire the Kennedy and reduce the carrier force to 11 ships raises potential issues for Congress concerning the appropriate size of the carrier force, the Navy's selection of the Kennedy as the carrier to retire, and carrier homeporting arrangements. Each of these is discussed below.

Size of Carrier Force

The appropriate size of the carrier force is a frequent, even classic, topic of debate in military force-structure planning. Over the years, as strategic, technological, and budgetary circumstances have evolved, some observers have argued in favor of a force of 12 or more carriers, while others have argued for a force of 11 or fewer carriers.

Supporters of maintaining a force of 12 or more carriers, at least for the time being, could argue the following:

- During the past half century, carrier force has never dropped below 12 ships, illustrating the enduring need for a force of at least that many ships. After experimenting with an "11+1" carrier force in FY1995-FY2000 (11 fully active carriers plus one operational/reserve training carrier), DOD returned to a force of 12 fully active carriers, suggesting that DOD was dissatisfied with a force of less than 12 fully active carriers.
- Since the end of the Cold War, carriers have been kept very busy and have proven their value in numerous operations.

²³ (...continued)

To Host U.S. Nuclear-Powered Warship, Sparking Row," *DefenseNews.com*, October 28, 2005.

²⁴ For a discussion of potential carrier response times to a crisis or conflict in the Taiwan Strait area, see CRS Report RL33153, *China Naval Modernization: Implications for U.S. Navy Capabilities — Background and Issues for Congress*, by Ronald O'Rourke.

- In an era of uncertain U.S. access to overseas air bases, the value of carriers as sovereign U.S. bases that can operate in international waters, free from political constraints, is particularly significant.²⁵
- The increasing number of targets that can be attacked each day by a carrier air wing²⁶ is making carriers even more cost effective as U.S. military platforms, which argues in favor of retaining them in the U.S. force structure, not retiring them.
- The Navy, like the other services, is moving to implement network-centric warfare, which refers to the use of computer networking technology to link individual military units into a series of local- and wide-area networks.²⁷ Carrier-based aircraft are to constitute many of the “nodes” in the network, which argues in favor of retaining carriers in the U.S. force structure, not retiring them.

Supporters of reducing the carrier force to 11 or fewer carriers starting in FY2006 could argue the following:

- Due to changes over time in factors such as carrier missions, the technologies that are available to carriers and their air wings for performing missions, and policies for basing and deploying carriers, historical figures for carrier force size are not a precise guide to whether a future carrier force size would be adequate for performing its required missions.
- The increasing number of targets that can be attacked each day by a carrier air wing will make it possible to conduct future contingency operations with fewer carriers than were required in the past, reducing the number of carriers needed for warfighting purposes.
- The Navy’s recently implemented Fleet Response Plan (FRP) has increased the Navy’s ability to surge carriers to respond to overseas

²⁵ For a discussion of base access and its potential effect on military force planning, see CRS Report RL31946, *Iraq War: Defense Program Implications for Congress*, coordinated by Ronald O’Rourke.

²⁶ This increase is due in large part to the advent of precision-guided munitions, which has changed the traditional situation of needing multiple aircraft to attack a single target (i.e., multiple sorties per target) into one where a single aircraft can attack several individual targets per flight (i.e., multiple targets per sortie). The Navy testified in February 2005 that the number of targets per day that a carrier air wing can attack has increased from about 200 in 1997 to about 700 today, and will increase to more than 1,000 by 2010. See Statement of Admiral Vernon Clark, USN, Chief of Naval Operations, Before the Senate Armed Services Committee, February 10, 2005, page 18 (figure 6).

²⁷ For more on NCW, see CRS Report RL32411, *Network Centric Warfare: Background and Oversight Issues for Congress*, by Clay Wilson, and CRS Report RS20557, *Navy Network-Centric Warfare Concept: Key Programs and Issues for Congress*, by Ronald O’Rourke.

contingencies, which likewise reduces the number of carriers needed for warfighting purposes.²⁸

- The Navy's ability to base tactical aircraft at sea will be augmented in future years by the Navy's planned LHA(R)-class amphibious assault ships, which can be viewed as medium-sized aircraft carriers. The first LHA(R) is to be procured in FY2007.
- The Navy is currently considering a proposal to transfer an aircraft carrier to Hawaii or Guam. Such a step would make it possible to maintain day-to-day deployments of carriers in the Western Pacific and Indian Ocean/Persian Gulf regions with a smaller total number of carriers, reducing the number of carriers needed for purposes of maintaining day-to-day forward deployments.
- The Navy also has the option of adopting a variant of multiple crewing for its aircraft carriers, which would also reduce the number of carriers needed for purposes of maintaining day-to-day forward deployments.²⁹
- Keeping the carrier force at 12 ships rather than reducing it to 11 would add to Navy funding requirements and thereby require offsetting reductions to other DOD programs, such as Navy, Air Force, or Army procurement programs, or other elements of DOD force structure. Those offsetting reductions could pose greater operational risks than reducing the carrier force to 11 ships.

At hearings on the proposed FY2006 defense budget, DOD and Navy officials argued that an 11-carrier force is acceptable in light of the increasing capabilities of carrier air wings, the increased deployability of Navy carriers under the FRP, the aviation capabilities of the Navy's planned LHA(R) ships, and operational risks of cutting other DOD programs to pay for keeping the carrier force at 12 ships.³⁰ The Navy testified that with a 12-carrier force, the Navy, under the FRP, could surge six carriers within 30 days and another two carriers within 60 days after that — a capability referred to as "6+2." With an 11-carrier force, the Navy testified, that would change to either 6+1 or 5+2. The Navy's FY2007 budget states that an 11-carrier force can support 6+1.³¹

²⁸ For more on the Fleet Response Plan, see CRS Report RS21338, *Navy Ship Deployments: New Approaches — Background and Issues for Congress*, by Ronald O'Rourke.

²⁹ For more on the option of using a variant of multiple crewing for carriers, see CRS Report RS21338, *op cit*.

³⁰ See Dave Ahearn, "England Says Navy Carrier Force Shrinking; Seeks Another LCS," *Defense Today*, Mar. 17, 2005: 1, 4; Dale Eisman, "Kennedy Should Be Retired, Navy Leader Says," *Norfolk Virginian-Pilot*, Mar. 17, 2005; Geoff Fein, "Navy to Redirect Funds for Kennedy Overhaul to Maintain Other Ships," *Defense Daily*, Mar. 17, 2005.

³¹ U.S. Department of the Navy, *Highlights of the Department of the Navy FY 2007 Budget*.
(continued...)

Carrier to Be Retired

If a carrier is to be retired in the near term so as to reduce the carrier force to 11 ships, a second potential issue for Congress is whether that carrier should be the Kennedy or another ship. Potential alternatives to the Kennedy include the Kitty Hawk, the Enterprise, and the Vinson.

Supporters of retiring the Kennedy rather than the Kitty Hawk, Enterprise, or Vinson could argue the following:

- The Kennedy did not receive a full service life extension program (SLEP) overhaul at about age 30, so keeping it in service in coming years could become increasingly difficult and expensive. The Kitty Hawk, in contrast, received a full SLEP overhaul at about age 30, giving it a firmer engineering foundation for being operated to about age 45. As mentioned in the Background section, the Navy in February 2006 announced that it had restricted the Kennedy from conducting flight operations with fixed-wing aircraft due to newly discovered corrosion problems with the ship's arresting gear mounts. The Navy also stated that two of the ship's four aircraft catapults are operating under waivers that are scheduled to expire in June, and that four of its eight boilers are operating under waivers that are scheduled to expire in September and cannot be renewed.
- Retiring the Kitty Hawk and shifting the Kennedy to Japan to replace the Kitty Hawk there would mean, at least for some time, that all the Atlantic Fleet carriers would be based in a single area (the Norfolk-Newport News, VA, area), which might not be prudent in light of the potential ability of terrorists to make a catastrophic one-time attack on a U.S. home port somewhere. Shifting a nuclear-powered carrier to Japan to replace the Kitty Hawk there would take time and money, given the need to qualify Yokosuka as a nuclear-carrier home port.
- The conventionally powered Kennedy is less capable than the nuclear-powered Enterprise and Vinson.³²

³¹ (...continued)

Washington, 2006. (Office of the Budget, February 2006) pp. 2-7 and 2-10.

³² As nuclear-powered ships, the Enterprise and Vinson can make high-speed transits over long distances to respond to urgent crises without need for stopping or slowing down to refuel along the way. They do not need to be refueled upon arriving at the area of operations, ensuring that they can commence combat operations immediately upon arrival. And since they do not need large fuel tanks to store fossil fuel for their own propulsion plant, they can devote more of their internal volume to the storage of aircraft fuel and ammunition, which permits them to sustain combat operations for longer periods of time before they need to be resupplied. The capability advantages of nuclear power are what have justified the higher procurement and life-cycle costs of nuclear-powered carriers. In (continued...)

- The Navy invested more than \$2 billion for the Enterprise RCOH; retiring the Enterprise in the near term rather than in 2014 would not realize a full return on this investment.
- Retiring the Vinson and not performing the RCOH now scheduled for the ship would significantly reduce the work load at Northrop Grumman's Newport News (NGNN) shipyard, the yard that would perform the work, which would increase the cost of other work being done at the yard (including construction of new carriers and construction of new attack submarines) due to reduced spreading of fixed costs and other factors at NGNN. Increases in costs for other work being done at NGNN would offset, perhaps significantly, the savings associated with avoiding the Vinson RCOH and the Vinson's annual personnel, operation, and maintenance costs.

Supporters of retiring the Kitty Hawk, Enterprise, or Vinson rather than the Kennedy could argue the following:

- The Kitty Hawk is generally no more capable than the Kennedy, and is about 6½ years older than the Kennedy. Since the Kitty Hawk is currently scheduled to be retired in 2008, about four years from now, retiring it in the near term would not represent much of a change from current life-cycle plans for the ship. The Kennedy, in contrast, had been scheduled to remain in service until 2018, 14 years from now, so retiring it in FY2006 would involve a significant change from current life-cycle plans for the ship. The Kennedy's current maintenance issues, including those relating to its arresting gear mounts, catapults, and boilers, can be addressed in an overhaul.
- The Kennedy could be shifted to Yokosuka to replace the Kitty Hawk there. The first carrier homeported at Yokosuka, the Midway (CV-41), did not receive a full SLEP overhaul, but careful maintenance on the ship during its stay at Yokosuka permitted it to remain in operation to age 46. In the meantime, Mayport, FL could be qualified as quickly as feasible as a nuclear-carrier home port. A nuclear-powered carrier could then be transferred there so as to once again divide Navy's Atlantic Fleet carriers between two ports rather than concentrating them at a single home port. Since the Kitty Hawk is currently scheduled to be retired in 2008, retiring the Kitty Hawk in the near term might only accelerate a plan that the Navy may already have for taking these actions.

³² (...continued)

addition, since the Enterprise (90,000 tons full load displacement) and Vinson (91,500 tons) are somewhat larger than the Kennedy (81,500 tons), the Enterprise and Vinson might be more able to remain stable in the water — and thus capable of conducting air operations — in certain rough seas.

- Compared to the two-reactor propulsion plants on the Navy's Nimitz-class carriers, the eight-reactor propulsion plant on the Enterprise can be more difficult and expensive to maintain. Although the Enterprise was given an RCOH with the intention of keeping it in service until 2014, retiring it in the near term would give the Navy an all-Nimitz-class nuclear-carrier fleet, streamlining nuclear-carrier logistics and reducing nuclear-carrier support costs.
- Retiring the Vinson in the near term would avoid a \$2.27-billion cost in FY2006 and FY2007 to complete funding for the Vinson's RCOH. It would also eliminate the annual personnel, operation, and maintenance costs for the Vinson, which might be comparable to, or even greater than, those of the Kennedy. Equipment purchased with the \$861.5 million in FY2005 and prior-year funding for the Vinson RCOH could be used, where possible, for the RCOH on the next Nimitz-class ship.³³

At hearings on the proposed FY2006 defense budget, DOD and Navy officials noted that the Kennedy has not been fully modernized and argued that the additional warfighting capability provided by the Kennedy is marginal.³⁴

Carrier Homeporting Arrangements

A third potential issue for Congress raised by the proposal to retire the Kennedy concerns carrier homeporting arrangements. In addition to the local economic benefits associated with homeporting a carrier — e.g., carrier crew members spending their pay and allowances in the local economy and thus generating local jobs, and non-depot ship-maintenance work being done by local ship-repair firms, thus generating additional jobs — a potential additional factor to consider concerns the relative military advantages of different homeporting arrangements.

If the Kennedy is retired, then as mentioned earlier, all of the Atlantic Fleet's carriers would be, for some time at least, homeported in a single area (the Norfolk-Newport News, VA, area). Possible advantages of such an arrangement include economies of scale in carrier maintenance and the training of carrier crew members. Possible disadvantages include the effect on fleet operations of a terrorist attack on that single area.³⁵

³³ For an article mentioning the Kitty Hawk, the Enterprise, and the Vinson as candidates for retirement in the context of a potential reduction in the carrier force to 10 or 9 ships, see Christopher P. Cavas, "Carrier Carl Vinson Considered for Early Retirement," *NavyTimes.com*, Jan. 3, 2005.

³⁴ See "Navy Defends Decision to Retire Carrier," *GovExec.com*, Mar. 17, 2005; Dave Ahearn, "England Says Navy Carrier Force Shrinking; Seeks Another LCS," *Defense Today*, Mar. 17, 2005: 1, 4; Dale Eisman, "Kennedy Should Be Retired, Navy Leader Says," *Norfolk Virginian-Pilot*, Mar. 17, 2005; Geoff Fein, "Navy to Redirect Funds for Kennedy Overhaul to Maintain Other Ships," *Defense Daily*, Mar. 17, 2005.

³⁵ In the 1980s, the Navy initiated a program, known as strategic homeporting, to disperse
(continued...)

At hearings on the proposed FY2006 defense budget, Navy officials noted the potential efficiencies of co-locating carriers but also acknowledged the potential security risks of having carriers concentrated into a small number of home ports.³⁶

Potential questions for Congress to consider include the following:

- How much time would be required to qualify Mayport, FL as a nuclear-carrier home port? How much could this schedule be accelerated, and what actions would be necessary to accelerate it? How much would it cost to qualify Mayport, FL as a nuclear-carrier home port, and how might this cost be affected by accelerating the schedule?³⁷

³⁵ (...continued)

its ships to a greater number of home ports around the United States, so as to reduce the vulnerability of the fleet to a potential Pearl Harbor-style attack by Soviet/Warsaw Pact forces at start of a NATO-Warsaw Pact conflict. For discussions of strategic homeporting, see CRS Issue Brief IB85193, *The Navy's Strategic Homeporting Program: Issues for Congress*, by Ronald O'Rourke; and CRS Issue Brief IB90077, *Strategic Homeporting Reconsidered*, by Ronald O'Rourke. (Both archived and available from the author.) See also Alva M. Bowen and Ronald O'Rourke, "Ports for the Fleet," U.S. Naval Institute Proceedings, May 1986: 136-151.

³⁶ A recent press article focusing on a Navy submarine base in Groton, Connecticut, quoted Admiral Vernon Clark, the Chief of Naval Operations as saying,

We understand the rule of economies of scale, and you can concentrate everything in one place, but then you've got all your eggs in one basket. Is that the way you want to do this? My view is, that's not a successful strategy. You've got figure out how to balance it between being overly dispersed and overly centralized....

We'll see where the analysis takes us," Clark said. "It's a key part of the BRAC discussions, and the analysis. And honestly, I don't know where we are or where we're going to end up on it.

(Robert A. Hamilton, "CNO's Doctrine Could Bode Well for Sub Base," *New London (CT) Day*, Jan. 5, 2005.)

³⁷ A recent press article stated:

Upgrading Mayport Naval Station to base a nuclear-powered aircraft carrier would cost an estimated \$111 million and could take less than three years, according to a study conducted for the city of Jacksonville by an engineering firm.

The report's summary, dated Friday and obtained by the Times-Union, says more dredging is needed of the channel leading into the St. Johns River and Mayport ship basin. The summary also says two maintenance facilities and a support building are needed to base a Nimitz-class nuclear carrier....

The study said the best fast-track timeline to complete the upgrades would take
(continued...)

³⁷ (...continued)

34 months. If done at normal pace, from 12 to 18 months would be added to that timeline.

But first, the Navy has to decide it wants to make the upgrades, the study said....

The study was done by Bessent, Hammack & Ruckman Inc. of Jacksonville, a consulting-engineering firm with expertise in shore facility planning and site development engineering for fleet and naval facilities. The study cost the city \$175,000, though a state grant covered \$125,000 of that.

BHR also did a site development study on home-porting a nuclear carrier at Mayport in the mid-1990s....

In congressional testimony in February, [the Chief of Naval Operations, Admiral Vernon] Clark said the upgrades could cost about \$200 million and would be completed after an environmental impact study was done. That process might take five or more years, Clark said.

According to the BHR study, the Navy is in a consultant selection process for an updated extended environmental impact study. If that is fast-tracked, the environmental impact study could take about 12 to 14 months, the BHR study said.

The report also says the river channel needs to be dredged to 50 feet because a nuclear carrier has a deeper hull than the JFK. The U.S. Army Corps of Engineers is looking at several dredging projects that would take the river from 42 to 45 feet and could possibly dredge that part of the channel to 50 feet for the carrier's use, the study said. The Navy's part of the channel dredging would be \$25 million, according to the report.

Mayport would need a controlled industrial facility to handle the nuclear portions of the ship, and that would cost \$50 million.

If a new ship maintenance facility and a support facility were built, it would cost \$61 million, but the report said some existing buildings and equipment at Mayport could serve as these buildings and reduce that cost by 65 percent. The estimated cost for those facilities, which would do repairs and house administrative offices, would be \$21.3 million.

Other miscellaneous work, which would include things such as parking lots, would cost \$3.5 million.

One of the piers at Mayport was upgraded in 2001 and 2002 to moor a nuclear carrier for \$6.8 million, but further upgrades to the second pier could be done later, the study said.

(Gregory Piatt, "Nuclear Not So Costly, Mayport Study Finds," *Florida Times-Union* (Jacksonville), April 14, 2005.)

- What would it cost to transfer a nuclear carrier from Norfolk, VA, to Mayport?³⁸
- On a steady-state basis, what would be the annual difference in cost between homeporting all Atlantic Fleet carriers at Norfolk vs. homeporting one nuclear carrier at Mayport and the rest at Norfolk?
- What are the relative operational advantages and disadvantages of homeporting all Atlantic Fleet carriers at Norfolk versus homeporting one nuclear carrier at Mayport and the rest at Norfolk? What are the relative vulnerabilities of Norfolk and Mayport to a potential one-time terrorist attack?³⁹

Another potential additional factor to consider concerns the possibility of transferring a carrier to Hawaii or Guam, an action that could form a significant part of the justification for reducing the carrier force to 11 ships. Potential questions for Congress here include the following:

- What home port would the carrier be transferred from?
- How might the transfer affect the local economy of that home port?
- Would the homeporting of a carrier in Hawaii or Guam affect the issue of whether to homeport a carrier at Mayport, FL, and if so, how?

Options for Congress

Options for Congress arising from the proposal to retire the Kennedy in FY2006 and reduce the carrier force to 11 ships include the following:

Options for Preserving 12 Carriers

Permanent Legislation. This option could involve adding a provision to Title 10 of the U.S. Code (the primary title covering DOD) stating that the Navy shall include not less than 12 large-deck aircraft carriers or prohibiting the Navy from taking any steps to reduce the carrier force to less than 12 ships. The provision could

³⁸ One recent press article stated: “The movement of a nuclear-powered flattop would be particularly expensive — in excess of \$200 million, according to some authorities’ estimates. A 1994 study commissioned by the city of Jacksonville, Fla., put the cost at \$141.2 million.” (Dale Eisman and Jack Dorsey, “Battle Begins over Carrier Kennedy,” Norfolk Virginian-Pilot, January 6, 2005.)

³⁹ For an article discussing this issue, see David Lerman, “Fla. Carrier Site Ranked Less Secure,” *Newport News (VA) Daily Press*, February 9, 2005.

be somewhat similar to 10 USC 5063, which Congress amended in 1952⁴⁰ to state in part: “The Marine Corps, within the Department of the Navy, shall be so organized as to include not less than three combat divisions and three air wings, and such other land combat, aviation, and other services as may be organic therein.”⁴¹

In acting on the FY2006 budget, Congress passed a provision that amended 10 USC 5062 to state that “The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers.” A new bill has now been proposed to repeal this provision. (See **Legislative Activity** below.)

Annual Legislation. This option, which could be used in addition to the above option of permanent legislation, could involve adding a provision to the annual defense authorization bill or appropriations bill (or both) directing DOD to maintain a force of at least 12 carriers for the fiscal year in question, or prohibiting DOD from expending any funding that year to plan or carry out the retirement of an aircraft carrier.

Binding Annual Report Language. This option is similar to the previous option except that the direction to DOD would be provided through report language rather than bill language.

Non-Binding Language. This could take the form of bill or report language expressing sense of the Congress that the Navy should maintain a force of not less than 12 carriers. This option would have considerably less force than the previous options, since it would do nothing concrete to compel DOD to maintain a force of 12 carriers. Its effectiveness would depend on how much weight DOD would give it in DOD’s own deliberations. DOD could decide to politely ignore the provision, making it totally ineffective.

⁴⁰ P.L. 416, June 28, 1952, Chapter 479, Section 1, 66 Stat. 282.

⁴¹ Supporters could argue that a provision in permanent law specifying a minimum number of carriers would formally recognize the operational value of carriers and follow the precedent set by 10 U.S.C. § 5063 regarding the minimum number of Marine Corps divisions and air wings. It would also be consistent, they could argue, with the fact that the carrier force has not dropped below 12 ships since 1951, and has frequently included more than 12 carriers during that time. Legislating a minimum of 12 carriers, supporters could argue, would help stabilize Navy force-structure planning and budget planning by reassuring Navy leaders that this important element of Navy force structure would consist of a known minimum number of ships.

Opponents could argue that such a provision would reduce DOD’s flexibility in determining military force structure levels so as to best balance DOD capabilities against projected threats, and set a modern precedent for writing additional provisions into Title 10 covering other elements of military force structure, which would further reduce DOD’s flexibility in this area. Opponents could argue that 10 U.S.C. § 5063 is not as strong a precedent as it might seem at first because it does not specify the size or composition of the divisions or air wings, or whether they are to be active or reserve units, and that the provision in any event is a sole exception, dating back 53 years, to a pattern of not legislating military force structure levels.

Options for Retiring a Carrier and Reducing to 11

Retire Kennedy in FY2006. This option could be supplemented by taking steps, such as adding military construction or other funding to the DOD budget, to accelerate the process of qualifying Mayport as a nuclear-carrier home port. It could also involve bill or report language directing the Navy to transfer a nuclear-powered carrier to Mayport as soon as the port is qualified to receive it.

Retire Kennedy When Mayport Is Nuclear-Qualified. This option would defer the retirement of the Kennedy until Mayport is qualified as a nuclear-carrier home port. As with the previous option, this option could include taking steps to accelerate the process of qualifying Mayport as a nuclear-carrier home port, as well as bill or report language directing the Navy to transfer a nuclear-powered carrier to Mayport as soon as the port is qualified to receive it.

Retire Kitty Hawk and Transfer Kennedy to Yokosuka. This option, too, could involve taking steps to accelerate the process of qualifying Mayport as a nuclear-carrier home port, as well as bill or report language directing the Navy to transfer a nuclear-powered carrier to Mayport as soon as the port is qualified to receive it.

Retire Kitty Hawk and Transfer a Nuclear Carrier to Yokosuka. Compared to the option of transferring the Kennedy to Yokosuka, this option would not require taking steps to accelerate the process of qualifying Mayport as a nuclear-carrier home port (though such steps could be taken anyway).

Retire Enterprise. This option could be timed so that the ship is retired following the completion of its next deployment.⁴²

Retire Vinson. This option, too, could be timed so that the ship is retired following the completion of its next deployment.⁴³

Legislative Activity

S. 2310 (Repeal Of 12-Carrier Requirement)

On February 16, 2006, Senator Warner introduced S. 2310, which would reverse the above legislation by repealing the requirement in 10 USC 5062 for a force of not less than 12 operational aircraft carriers. This requirement was established by

⁴² According to the ship's website [<http://www02.clf.navy.mil/enterprise/>], the Enterprise as of January 2005 "is three months into an Extended Selected Restricted Availability [i.e., a type of overhaul] in the shipyard, during which extensive repair and maintenance work is being performed on the ship by shipyard personnel, civilian contractors and the crew."

⁴³ The Vinson in mid-January 2005 began a six-month deployment and is scheduled to arrive at Norfolk, VA in November 2005 to begin its RCOH. (Source: "Carl Vinson Heads To New Home," *NavyTimes.com*, Jan. 13, 2005.)

Section 126 of the conference report on H.R. 1815/P.L. 109-163, which is discussed below.⁴⁴

H.R. 1815/P.L. 109-163 (FY2006 Defense Authorization)

House. Section 128 of the FY2006 defense authorization bill (H.R. 1815) as reported by the House Armed Services Committee (H.Rept. 109-89 of May 20, 2005) states:

SEC. 128. AIRCRAFT CARRIER FORCE STRUCTURE.

(a) Requirement for 12 Operational Aircraft Carriers Within the Navy- Section 5062 of title 10, United States Code, is amended —

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

(b) The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.

(b) U.S.S. John F. Kennedy-

(1) FULLY MISSION CAPABLE STATUS- The Secretary of Defense shall take all necessary actions to ensure that the U.S.S. John F. Kennedy (CVN-67) is maintained in a fully mission capable status.

(2) MAINTENANCE- From the amounts provided under section 301 for operation and maintenance of the Navy for fiscal year 2006, \$60,000,000 is authorized for the operation and routine maintenance of the U.S.S. John F. Kennedy.

H.Rept. 109-89 states:

The committee believes that the Navy's aircraft carrier force structure must be maintained at 12 in order to meet potential global commitments. The committee notes that in order for the USS John F. Kennedy to be maintained at full operational capability, the Navy must reschedule the recently cancelled shipyard overhaul, and directs the Navy to do so. In the interim, the committee expects the Navy to take full advantage of routine maintenance outside a shipyard to maintain the USS John F. Kennedy as capable as possible until it enters the shipyard. (Page 123)

Senate. Section 321 of the FY2006 defense authorization bill (S. 1042) as reported by the Senate Armed Services Committee (S.Rept. 109-69 of May 17, 2005) states:

SEC. 321. AIRCRAFT CARRIERS.

⁴⁴ For a press report discussing this proposed legislation, see Dale Eisman, "Warner Backs Navy Effort To Mothball JFK," *Norfolk Virginian-Pilot*, February 18, 2006.

(a) **FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY-** Of the amounts authorized to be appropriated for operation and maintenance for the Navy by this Act and any other Act for fiscal year 2005 and 2006, \$288,000,000 shall be available only for repair and maintenance to extend the life of U.S.S. John F. Kennedy.

(b) **LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS-**

(1) **LIMITATION-** The Secretary of the Navy may not reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(A) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(B) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to the congressional defense committees that such agreements have been entered into to provide port facilities for the permanent forward deployment of such number of aircraft carriers as is necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(2) **ACTIVE AIRCRAFT CARRIERS-** For purposes of this subsection, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance.

S.Rept. 109-69 states:

The committee is concerned that the Navy's decision to reduce the number of aircraft carriers from 12 to 11 was not based on careful and thorough analysis, but rather was budget-driven. In testimony before the Committee on Armed Services in February 2005, the Chief of Naval Operations testified that when he first submitted the proposed Navy budget for fiscal year 2006, it included 12 aircraft carriers. Further, the last two Quadrennial Defense Reviews, in 1997 and 2001, both supported a force structure of 12 aircraft carriers. The reduction to 11 aircraft carriers was made after the Office of Management and Budget directed a budget cut for the Department of Defense.

The committee is also aware of the importance of permanent forward deployment of at least one aircraft carrier in the PACOM AOR. The USS Kitty Hawk, permanently forward deployed in Yokosuka, Japan, is scheduled for retirement in fiscal year 2008. The only other conventionally-powered aircraft carrier is the USS John F. Kennedy. The USS John F. Kennedy was scheduled to begin a complex overhaul (COH) maintenance period in fiscal year 2005, and funds for this COH were authorized and appropriated in fiscal year 2005 for this purpose. The ongoing Integrated Global Presence and Basing Strategy review might also expand the permanent forward deployment requirements for aircraft carriers, particularly in the PACOM AOR.

The committee believes it is prudent for the USS John F. Kennedy to receive its COH and that 12 aircraft carriers remain in the U.S. Navy until such time as an in-depth analysis is conducted and forward-basing agreements are reached.

Conference Report. Section 126 of the conference report (H.Rept. 109-360 of December 18, 2006) on the FY2006 defense authorization bill (H.R. 1815; P.L. 109-163 of January 6, 2006) amends 10 USC 5062 to state that “The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.” The section also authorizes \$288 million for repair and maintenance to extend the life of the Kennedy.

H.R. 2863/P.L. 109-148 (FY2006 Defense Appropriations Bill)

House. In its report (H.Rept. 109-119 of June 10, 2005) on H.R. 2863, the House Appropriations Committee stated:

As the Navy’s fleet of aircraft carriers evolves, it becomes apparent that in the not too distant future, an all-nuclear fleet of aircraft carriers may become reality. The Committee strongly encourages the Navy to ensure the capability to base and support large-deck, deep-draft, nuclear powered ships, including aircraft carriers, at multiple locations on each coast. The Navy has such a capability on the west coast, but not on the east coast. Multiple nuclear-capable bases, on the east and west coasts, provide for continuity of operations for the carrier fleet notwithstanding a variety of adverse situations including natural disasters and acts of terrorism or conventional war.

The Committee believes that the Navy should proceed expeditiously to accomplish all necessary actions toward transition of Naval Station Mayport to a nuclear capable aircraft carrier base. The Committee understands that key to this transition is completion of an environmental impact study and the Committee urges the Navy to take all necessary actions to complete an environmental impact study on the transition of Naval Station Mayport to be a nuclear capable facility as soon as practicable. (Page 61)

H.R. 1268/P.L. 109-13 (FY2005 Emergency Supplemental)

Conference Report. The conference report (H.Rept. 109-72 of May 3, 2005) on the Emergency Supplemental Appropriations Act for FY2005 (H.R. 1268/P.L. 109-13 of May 11, 2005), contains a provision (Section 1025) stating:

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1025. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY- Of the amount appropriated to the Department of the Navy in this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS- No funds appropriated or otherwise made available in this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(c) **ACTIVE AIRCRAFT CARRIERS**- For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

(d) **PACIFIC FLEET AUTHORITIES**- None of the funds available to the Department of the Navy may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004 shall remain in force unless changes are specifically authorized in a subsequent act.

Note that subsection (a) does not specify the amount of funding that is to be made available for repair and maintenance of the Kennedy, and that subsection (b) relates specifically to the obligation and expenditure of funds made available “in this Act,” meaning H.R. 1268. Subsection (b) does not appear to prevent the Navy from obligating or expending funds appropriated or otherwise made available by other Acts — such as the regular FY2005 DOD appropriation act (P.L. 108-287 of August 5, 2005) — to reduce the number of active carriers to something less than 12, even while the Navy performs repair and maintenance work on the Kennedy. The Navy in the past has sometimes performed repair and maintenance work on ships prior to deactivating them and putting them into preservation (“mothball”) status, so that the ships could be more easily reactivated at some point in the future. Subsection (d), unlike subsection (b), does not contain the words “in this Act.”

Floor Amendments to Earlier Senate Version. Prior to the conference on H.R. 1268, the Senate on April 20, 2005, passed, 58-38 (Record Vote Number 106), an amendment (S.Amdt. 498) to the Senate version of H.R. 1268, which stated:

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1122. (a) **FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.** — Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) **LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.** — No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) **ACTIVE AIRCRAFT CARRIERS.** — For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

A similar amendment, S.Amdt. 499, was ruled non-germane by the chair. S.Amdt 499 stated:

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1122. (a) **FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.** — Of the amount appropriated to the Department of the Navy by this Act, and by the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 954), an aggregate of \$288,000,000 may be available only for repair and maintenance of the U.S.S. John F. Kennedy, and available to conduct such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) **LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.** — No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) **ACTIVE AIRCRAFT CARRIERS.** — For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

Differences between the two amendments include the wording of subsection (a) and the absence in S.Amdt. 498 of the phrase “or any other Act” in subsection (b). The absence of the phrase “or any other Act” from S.Amdt. 498 raised the possibility that funds appropriated in P.L. 108-287 could be used to reduce the Navy’s carrier force from 12 ships to 11, even while the Navy performs repair and maintenance work on the Kennedy.

S.Amdt 265. An earlier amendment to H.R. 1268, S.Amdt. 265, introduced on April 4, 2005 and referred to the Committee on Appropriations, would add a provision stating:

(a) **PROHIBITION.** — No funds appropriated or otherwise made available by this Act, or by any other Act, for fiscal year 2005 may be obligated or expended

to reduce the number of operational aircraft carriers of the Navy from 12 operational aircraft carriers to 11 operational aircraft carriers.

(b) OPERATIONAL AIRCRAFT CARRIER. — In this section, the term “operational aircraft carrier” includes an aircraft carrier that is unavailable due to maintenance or repair.

H.R. 304/S. 145

These identical bills, H.R. 304 and S. 145, introduced on January 25, 2005, would amend Section 5062 of Title 10 to state: “The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.”